**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:     §    Docket No. **DA9-92-108B**

**WILLIAM J. JOHNSON, ET AL.**    §

     §

Serial No. **09/150,549**      §    Examiner: **BA HUYNH**

     §

Filed: **September 9, 1998**      §

     §

     §    Art Unit: **2173**

For: **METHOD AND SYSTEM FOR**    §

**CURSOR APPLIED PROCESSING**    §

**WITHIN A DATA PROCESSING**    §

**SYSTEM**      §

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## APPEAL BRIEF

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

     This Brief is submitted in triplicate in support of the Appeal in the above-identified patent application.

## REAL PARTY IN INTEREST

The real party in interest in the present Appeal is International Business Machines Corporation (*IBM*), the Assignee of the present Application, as evidenced by the Assignment set forth and recorded at Reel 6799, Frame 0585.

## RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, the Appellant's legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

## STATUS OF CLAIMS

Claims 1, 3-7 and 9-12 stand finally rejected by the Examiner as noted in the Examiner's Action dated May 14, 2002.

## STATUS OF AMENDMENTS

No Amendment to the Claims has been submitted subsequent to the Final Rejection.

## SUMMARY OF INVENTION

As set forth in the present Specification at Page 4, lines 13, *et seq.*, the method and system of the present invention may be utilized to efficiently execute a predefined process within a data processing system having multiple objects and a movable cursor element displayed therein. A user defined executable process is specified within the data processing system which may be applied to one or more arbitrary objects within the data processing system and thereafter associated with the movable cursor within the data processing system. Next, each time an object is graphically selected within the data processing system utilizing the movable cursor, the user defined executable process is applied to that selected object.

The technique whereby a process may be defined is illustrated within Figure 6 of the present Application and described at page 11 of the Specification, line 15, *et seq.* As illustrated therein, Block 66 depicts the capturing and storing of key strokes and other selected inputs, such as mouse movements or the like. Thereafter, the process passes to Block 68 which depicts a determination of whether or not the process definition has ended. Once the process definition has ended the process passes to Block 70. Block 70 illustrates the storing of the defined process and the process may repeat, in an iterative fashion if additional process definitions are to be created. Referring now to Figure 7, and as described in the present Specification at page 12, line 15, *et seq.*, the technique whereby a particular process may be associated with a movable cursor is illustrated. As depicted, Block 82 illustrates a determination of whether or not cursor applied processing has been selected. If so, the user is prompted to select a predefined process, as depicted at Block 84. Next, the process passes to Block 86. Block 86 illustrates a determination of whether or not the user has responded to the prompt by selecting a predefined process. After selecting a predefined process, Block 90 depicts the association of that process with the movable cursor and the process passes to Block 90 which illustrates the alteration of the graphical appearance of the movable cursor in order to indicate to the user that a predefined process has been associated with that cursor.

Finally, with reference to Figure 8 of the present Application and as described in the present Specification at page 13, line 18, *et seq.*, the manner of execution of a user defined process upon a particular user selectable object in response to graphic selection of that object is illustrated. As depicted, Block 102 illustrates the determination of whether or not the movable cursor has been utilized to graphically select an object within display screen 18. Thereafter, Block 104 illustrates a determination of whether or not the system is currently operating within the cursor applied processing mode. If so, a determination is depicted at Block 110 as to whether or not the object which has been selected is suitable for the selected predefined process and if not, an error message is generated.

However, in the event the object selected by the user utilizing the movable cursor is suitable for the selective process, the process passes to Block 114 which illustrates the execution of the selected process on a graphically selected object in response to a graphic selection of that object utilizing the movable mouse cursor. This process begins until the user disables the cursor applied processing mode, as described in the present Specification at page 15, lines 1-6.

## ISSUE ON APPEAL

1.  Is the Examiner's rejection of Claims 1, 3-7 and 9-12 under 35 U.S.C. §103(a) as being unpatentable over *Buxton, et al.*, U.S. Patent No. 5,798,752 well founded?

## GROUPING OF CLAIMS

For purposes of this Appeal, Claims 1, 3-7 and 9-12 stand or fall together as a single group.

## ARGUMENT

The Examiner has finally rejected Claims 1, 3-7 and 9-12 under 35 U.S.C. §103(a) as being unpatentable over *Buxton, et al.*, U.S. Patent No. 5,798,752. That rejection is not well founded and it is should be reversed.

*Buxton, et al.*, disclose a user interface having simultaneously movable tools and a cursor. As described therein, a transparent overlay 60 is created having a number of delineated regions. Each of the delineated regions is associated with a particular tool or process. Thereafter, as clearly described by *Buxton, et al.*, at Column 24, lines 27, *et seq.*, tools may be created and modified by "moving, copying, deleting an overlapping tools to organize the <u>overlay</u>, discussed above ..." (Emphasis added) Thereafter, at Column 24, line 46, *et seq.*, *Buxton, et al.* describe the user either positioning the overlay over a fixed scene or moving the scene under the overlay. Thereafter, as completely described within *Buxton, et al.*, the particular tool associated with a section of overlay 60 will be applied to a selected object when the object is selected by the mouse

utilizing cursor 55. Thus, it should be clear that the primary process described within *Buxton, et al.*, is not associated with movable cursor 55 but rather with transparent overlay 60. It should further be clear to the Board that the process described within a particular frame within transparent overlay 60 will not be executed upon selection of a suitable object within the data processing system by the cursor but only in response to a positioning of the overlay above the object and a subsequent selection of that object by cursor 55.

Support for this position can clearly be seen by examining Claim 1 of *Buxton, et al.*, at Column 38, line 43, *et seq.*, wherein *Buxton, et al.*, describe the method of operating the computer system utilizing a plurality of displayed tools in a displayed cursor. The user is described as activating a particular tool by "moving a tool-defining region associated with the particular tool toward the cursor" and thereafter "generating a cursor event with the tools and the cursor being simultaneously and independently positionable ..." Similarly, within Claim 2 at Column 39, line 1, *et seq.*, the display device is described as including a visual depiction of a number of tool-defining regions and a cursor which can be moved toward the cursor in response to a first set of signals from a first input device and wherein thereafter the cursor is positioned relative to the tool-defining regions utilizing a second input device such that the operation defined by a particular tool-defining region is performed "in response to a cursor event within the particular tool-defining region."

Consequently, Applicant urges the Board to consider that *Buxton, et al.*, fails to show or suggest in any way the association of a predefined process with a movable cursor as *Buxton, et al.*, describes this particular technique as associating a tool with a transparent overlay and executing a particular tool in response to the placement of that overlay above an object and subsequent selection of that object through the overlay utilizing a mouse cursor.

Applicant believes that the creation of a custom tool within *Buxton, et al.*, by positioning multiple pre-existing tools together to define a new tool within a particular frame cannot be said to be suggestive of the present invention as *Buxton, et al.*, clearly teaches that the frame containing these combined tools must thereafter be dragged over an object and the mouse cursor

utilized to select an object through the frame in order to execute the process described by the combined tools.

In response to Applicant's arguments that the primary teaching of *Buxton, et al.*, is deficient with respect to its failure to show or suggest the association of a predefined process comprising a plurality of key strokes which specify a user defined executable process with a movable cursor and the subsequent execution of that predefined process on any suitable object selected by the user utilizing the movable cursor until that association has been disabled, the Examiner has cited the teaching at Column 26, lines 1-22of *Buxton, et al.*, which teach the operation of that system in a so-called "modal" mode.

As described, beginning at Column 25, lines 60, *et seq.*, *Buxton, et al.*, for those users who find the operation of a frame and cursor inconvenient, permit those users to operate in a "more traditional modal interface." That "more traditional modal interface" is the interface described in the prior art by the Applicant and described in the various references previously cited by the Examiner as a mode of operation which a particular tool is selected by the user utilizing a cursor and thereafter that particular tool operates on each object selected by the cursor.

Support for this position is found in *Buxton, et al.*, at Column 26, lines 1-9, wherein *Buxton, et al.*, state that "the tool handle described in Section 3.01 could include a button 'for placing the cursor in a tool mode corresponding to that tool. While in this mode, users can repeatedly perform operations as though they were clicking through that tool."
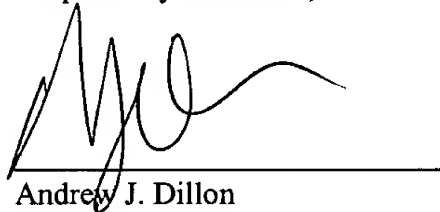
Thus, Applicant urges the Board to consider that the modal tool described in *Buxton, et al.*, merely comprises a form of operation wherein a particular tool may be selected by the operator and thereafter operated in conjunction with the movable cursor, like painting tools previously noted by the Examiner during the prosecution of this Application.

The selection of a particular tool utilizing a cursor and the subsequent execution of that tool on a selected object with the cursor fails, in the opinion of the Applicant, to show or suggest in any way a process for specifying "a predefined process where within said data processing system said predefined process comprising a plurality of key strokes, said plurality of key strokes specifying a user defined executable process which may be applied to one or more objects within said data processing system" so that that process may thereafter be associated with a cursor and applied to any suitable object upon selection with the cursor.

The mere selection of a particular pre-existing tool and the application of that tool to various objects within the system fails, in the opinion of the Applicant, to show or suggest the association of a process as expressly claimed within the present Application and reversal of the Examiner's rejection of these claims is therefore respectfully requested.

Please charge IBM Corporation Deposit Account No. 09-0461 in the amount of $320.00 for submission of a Brief in Support of an Appeal. No additional fees or expenses are believed to be required; however, if any additional fees are required, please charge IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,

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## APPENDIX

1    --1.(Thrice Amended)  A graphic method for the efficient execution of a predefined process

2    within a data processing system having a keyboard, a plurality of objects and a pointing device

3    having at least one button and an associated movable cursor displayed within said data processing

4    system, said method comprising the steps of:

5          specifying a predefined process within said data processing system said predefined

6    process comprising a plurality of keystrokes, said plurality of keystrokes specifying a user

7    defined executable process which may be applied to one or more objects within said data

8    processing system;

9          associating said predefined process with said movable cursor within said data processing

10    system in response to a first user input; and

11          executing said predefined process on any suitable object within said data processing

12    system in response to each subsequent graphic selection of a suitable object and depression of

13    said at least one button by a user utilizing said movable cursor until said association is disabled

14    by a user.--


**Claim 2 previously cancelled.**


1    3. (Unchanged)  The graphic method for the efficient execution of a predefined process within

2    a data processing system according to Claim 1, further including the step of determining if said

3    predefined process may be executed on said particular object in response to a graphic selection

4    of said particular object by a user utilizing said movable cursor.


1    4. (Unchanged)  The graphic method for the efficient execution of a predefined process within

2    a data processing system according to Claim 3, further including the step of generating an error

3    message in response to a determination that said predefined process may not be executed on said

4    particular object.

1 5. (Unchanged) The graphic method for the efficient execution of a predefined process within
2 a data processing system according to Claim 1, wherein said step of specifying a predefined
3 process within said data processing system comprises the step of specifying a user defined
4 executable process which may be applied to one or more objects within said data processing
5 system.

1 6. (Unchanged) The graphic method for the efficient execution of a predefined process within
2 a data processing system according to Claim 1, wherein said data processing system includes a
3 graphical pointing device and wherein said step of executing said predefined process on a
4 particular object within said data processing system in response to a graphic selection of said
5 particular object by a user utilizing said movable cursor comprises the step of executing said
6 predefined process on a particular object within said data processing system in response to a
7 graphic selection of said particular object by a user utilizing said graphical pointing device to
8 relocate said movable cursor.

1 --7. (Thrice Amended) A system for the efficient execution of a predefined process within a data
2 processing system having a keyboard, a plurality of objects and a pointing device having at least
3 one button and an associated movable cursor displayed within said data processing system, said
4 system comprising:
5 means for specifying a predefined process within said data processing system said
6 predefined process comprising a plurality of keystrokes, said plurality of keystrokes specifying
7 a user defined executable process which may be applied to one or more objects within said data
8 processing system;
9 means for associating said predefined process with said movable cursor within said data
10 processing system in response to a first user input; and
11 means for executing said predefined process on a particular object within said data
12 processing system in response to each subsequent graphic selection of a suitable object and
13 depression of said at least one button by a user utilizing said movable cursor until said
14 association is disabled by a user.--

**Claim 8 previously cancelled.**

1    9. (Unchanged) The system for the efficient execution of a predefined process within a data

2    processing system according to Claim 7, further including means for determining if said

3    predefined process may be executed on said particular object in response to a graphic selection

4    of said particular object by a user utilizing said movable cursor.

1    10. (Unchanged) The system for the efficient execution of a predefined process within a data

2    processing system according to Claim 9, further including means for generating an error message

3    in response to a determination that said predefined process may not be executed on said particular

4    object.

1    11. (Unchanged) The system for the efficient execution of a predefined process within a data

2    processing system according to Claim 7, wherein said means for specifying a predefined process

3    within said data processing system comprises means for specifying a user defined executable

4    process which may be applied to one or more objects within said data processing system.

1    12. (Unchanged) The system for the efficient execution of a predefined process within a data

2    processing system according to Claim 7, wherein said data processing system includes a

3    graphical pointing device for relocating said movable cursor.